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TN 0080306

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
COLUMBIA ENVIRONMENTAL FIELD OFFICE
1421 HAMPSHIRE PIKE
COLUMBIA, TENNESSEE 38401
PHONE (931) 380-3371 STATEWIDE 1-888-891-8332 FAX (931) 380-3397

November 8, 2010

Mr. Dustin Lambert
547 Smith Road
Bell Buckle, TN 37020

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
RECEIPT # 91 7108 2133 3937 8801 5865

RE: Notice of Violation
NPDES Permit No. TN0080306
Bell Buckle, Bedford County

WPC Permit Section
RECEIVED
NOV 12 2010

Mr. Lambert:

TN Division Of Water
Pollution Control

On October 21, 2010, I conducted a routine inspection of your Concentrated Animal Feeding Operation (CAFO) located on Smith Road in Bedford County. I conducted both a visual and record keeping inspection of the site to determine the facility's compliance with the CAFO permit.

No deficiencies were noted during the visual inspection of the site. Portions of the site dedicated to animal waste, mortalities, and storm water diversion appeared in compliance with the permit. During my inspection of site records, it was determined that record keeping was insufficient.

The following deficiencies were noted in record keeping:

1. Site has no documentation of annual review of the Nutrient Management Plan.
2. No records exist that you have provided the recipient(s) of the manure, litter, or processed wastewater with the most current nutrient analysis, consistent with 40 CFR, 412.
3. No records exist that the recipient(s) of the manure, litter, or processed waste water have signed the Agreement for the Removal of Litter, Manure, and/or Process Wastewater from your animal feeding operation. You must keep a signed copy of form B found in the included permit.
4. No records exist of weekly visual inspections for stormwater diversion devices, runoff diversion structures, and devices channeling contaminated stormwater to the wastewater and manure storage and containment structures.
5. No records exist of daily visual inspections of all water lines, including drinking and cooling water.

6. No records exist of documenting current design of waste storage structures, including volume for solid accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity.
7. No records exist of deficiencies found as a result of inspections, corrections of the deficiencies, or explanation of the factors preventing immediate correction of the deficiencies.
8. A rain gauge is not kept on site.
9. No records exist of amounts of rainfall for all rainfall events.

Due to the deficiencies in record keeping noted above, you have violated the terms and conditions of your permit and therefore have violated the *Tennessee Water Quality Control Act of 1977* (T.C.A. § 69-3-101 et. seq.), which states in part:

69-3-108. Permits. – (b) It is unlawful for any person, other than a person who discharges into a publicly owned treatment works or a person who is a domestic discharger into a privately owned treatment works, to carry out any of the following activities, except in accordance with the conditions of a valid permit:

(7) The construction, installation or operation of a concentrated animal feeding operation.

Permit violations on your site can be found under the requirements in the following sections of the CAFO permit:

- Section 4.2. Rainfall Monitoring
- Section 4.8. Transfer to Third Party
- Section 5.1. Inspections
- Section 5.2. Record Keeping

Violations of the *Act* may subject you to civil penalties for each day the violation occurs or continues to occur. You should begin keeping and maintaining the records listed above immediately. All records should be maintained on site for five consecutive years. If you have questions concerning this matter, please contact me at (931) 490-3943.

Sincerely,



Cody Chapman
Division of Water Pollution Control

cc: Erin O'Brien, Permits Section